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SUBJECT: KAZAKHSTAN: HUMAN RIGHTS COUNCIL'S ACTION PLAN LAYS OUT
AMBITIOUS PRIORITIES

¶1. (U) Sensitive but unclassified. Not for public Internet.

¶2. (SBU) SUMMARY: On April 14, Kazakhstan's Presidential Human Rights Commission (HRC) unveiled its National Human Rights Action Plan for 2009-2012. The Action Plan, the first one the Kazakhstani government has ever issued, outlines 26 areas in which the country's human rights framework lags behind international standards and proposes ambitious recommendations on how the government could bring them up to par. Among other proposals, the Action Plan recommends further liberalization to the recently-amended laws on political parties, elections, and the media, and proposes significant changes to the country's legislation governing religion, public assembly, and the right to privacy. The document was drafted with the input of several leading human-rights NGOs, and civil society leaders welcomed it as a tool to push the government towards further reforms. END SUMMARY.

AMBITIOUS PLAN UNVEILED

¶3. (SBU) On April 14, the Presidential Human Rights Commission (HRC) unveiled a National Human Rights Action Plan for 2009-2012 at an invitation-only meeting. This is the first time that the Kazakhstani government developed a synthesized plan for improving the human rights situation in the country. The Action Plan is based on the HRC's 2007 Baseline Human Rights Report, which analyzed Kazakhstan's legal framework for human rights against international standards. In the foreword to the Action Plan, the HRC states that the purpose of the document is to inform President Nazarbayev, the Cabinet, and the Parliament on the human rights situation in the country and to "lay out the priorities in addressing human rights issues, involve the government and civil society in their resolution, and coordinate the action of national human rights institutions." The Action Plan is now before President Nazarbayev, who is expected to sign it shortly. We expect it to be released publicly once he signs it. It is possible that changes will be incorporated into the final released version.

¶4. (SBU) Drafted with input from several leading human rights NGOs, including the Human Rights Bureau and the Almaty Helsinki Committee, the 177-page document candidly identifies numerous gaps in Kazakhstan's human rights legislative framework and lays out ambitious recommendations on how to address them within the

three-year timeframe. The Action Plan's twenty-six chapters deal with the full spectrum of political, civil, social, and cultural rights, ranging from the right to life (which includes socio-economic rights), to the right to a fair trial, to the rights of minorities. Perhaps most notably, the Action Plan makes several concrete suggestions on how to further improve the laws on political parties, the media, and elections -- the three laws that were recently amended as part of Kazakhstan's Madrid commitments -- and proposes several legislative changes that, if adopted, could open up the country's political space.

FURTHER CHANGES TO THE MADRID LEGISLATION

15. (SBU) Freedom of Association: The Action Plan recommends that the government streamline the procedures for registering public organizations and NGOs and clarify the rules governing citizens' rights to found or join organizations. Notably, it also recommends further liberalization of registration for political parties, although it does not lay out specific proposals on how to do so.

16. (SBU) Freedom of Speech: The Action Plan recommends that by 2011, the government further improve and streamline the process of media-outlet registration, adopt a new law on access to government information, decriminalize libel, and institute a statute of limitations on libel cases.

17. (SBU) Freedom of Political Participation: The Action Plan proposes that Kazakhstan's election law be further amended to lower the minimum number of signatures necessary to register a political party from 40,000 to 35,000; to lower the electoral threshold for a party to get seats in parliament from seven percent of the vote to five percent; and to require that representatives of opposition

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parties be able to participate in election commissions at all levels.

STRENGTHENING OF CIVIL AND POLITICAL RIGHTS

18. (SBU) Right to Privacy: Drafted by the Yevgeniy Zhovtis, head of the Human Rights Bureau, this section points out that despite the existence of privacy-protection norms in Kazakhstan's legislation, the right to privacy for individuals is frequently violated by various government agencies, particularly the police, the Procurator General's Office, and the Customs Service. The Action Plan recommends that by 2011 the Ministry of Justice (MOJ) and the Procurator General's Office draft, with input from civil society and the OSCE, a separate privacy-protection law that corresponds to international standards.

19. (SBU) Religious Freedom: The section on freedom of conscience, drafted by Almaty Helsinki Committee head Ninel Fokina, argues that under the current legal framework, religious groups face far more restrictions than other legal entities. It also asserts that the requirement that all religious organizations be registered with the government is counter to international standards. The Action Plan recommends that the MOJ, in collaboration with NGOs, begin publishing annual reports on the status of religious freedom in the country. It also proposes that by 2011, Kazakhstan should amend its religious legislation to bring it in line with the International Covenant on Civil and Political Freedoms.

10. (SBU) Freedom of Assembly: The Action Plan points to several legal norms that contradict international standards on peaceful gatherings, specifically the requirement that all public meetings must be approved by local authorities and the fact that the authorities have the power to designate where those meetings can be held (which usually means on the outskirts of the locale). It also criticized the lack of clear legal definitions of the different kinds of public gatherings -- i.e., rallies, marches, pickets, and demonstrations -- each of which has a different purpose and should therefore be guided by different rules. To resolve these problems, the Action Plan recommends that a new law on public assemblies be adopted by the end of 2010.

CIVIL SOCIETY SEES PLAN AS A "LEVER" FOR REFORM

¶11. (SBU) Civil society activists welcomed the HRC's Action Plan. Almaty Helsinki Committee head Fokina, who is a member of the HRC, told us that the Action Plan's recommendations, although not binding, can nonetheless be used "as levers" to push the government towards further reform. "Once the President adopts the Plan, we can begin hounding the agencies," she said. Yevgeny Zhovtis, who is also on the HRC, shared his belief that the Action Plan "is far from perfect," but is nevertheless an example that the government is willing to engage with civil society on particular issues. As evidence, he pointed out that the HRC Secretariat adopted his contribution to the Action Plan without any changes. Zhovtis was doubtful that all the recommendations will be put into action before ¶2011. In his opinion, however, the Action Plan's greatest asset lies in the fact that it clearly outlines Kazakhstan's goals and "shows the way" to achieving them. "Even if just some of the recommendations are adopted, it would mark a serious step towards reconciling Kazakhstan's legislation and international standards," he said.

¶12. (SBU) COMMENT: We agree with civil society leaders Fokina and Zhovtis that the Action Plan is a very positive step, and can be used as a tool to press for reform in a number of key areas. It is highly unlikely that all the recommendations will be adopted, but even if just some of them are, this would represent significant progress. The fact that the HRC reports to the President is an indication that the broad contours of the Action Plan enjoy support by at least some key officials in the Presidential Administration.
END COMMENT.

MILAS